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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,870	01/30/2004	Yoko Hirotsugi	00862.023427.	4094

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EXAMINER	
UHLENHAKKE, JASON S	

ART UNIT	PAPER NUMBER
2853	

MAIL DATE	DELIVERY MODE
09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,870	Applicant(s) HIROSUGI ET AL.	
	Examiner Jason Uhlenhake	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-39, 41, 44-47, 49, 52-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) 40, 42-43, 48, 50-51, 56, 58-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-39, 41, 44-47, 49, 52-55 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/21/2006; 6/14/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species I: a printer having a storage unit for storing a type of media and acquiring a type of media in the storage unit in the reply filed on 12/19/2006 is acknowledged. The traversal is on the ground(s) that examination of all pending claims of Groups I and II can be made without serious burden since the claims of Groups I and II are all directed to the field of art concerning printer media storage units. This is not found persuasive because of reasons set forth in the Restriction dated 11/24/2006 and Species I (storing a type of media) and Species II (storing a determined position of the paper-clearance adjusting lever) would require two different searches, which would put serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-37, 39, 41, 44-45, 49, 52-53, 55, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (U.S. Pub. 2002/0024575) in view of Walker et al (U.S. Pat. 6,425,650)

Sato discloses:

- **regarding claims 36, 41, 44, 49, 52, 57**, a storage unit for storing a print setting included in received printing data and a printing unit for printing the received printing data (Paragraphs 0059-0060)
- a generation unit for generating printing data (host computer; Paragraph 0009); an acquisition unit for acquiring the print setting stored in the storage unit (Paragraphs 0084-0085); a determination unit for determining whether or not the print setting acquired by the acquisition unit agrees with a print setting designated in the printing data that is generated by the generation unit (Abstract; Paragraphs 0071-0072, 0086)
- a processing unit for transmitting the generated printing data if agreement is determined by the determination unit, and alerting if non-agreement is determined by the determination unit (Figure 10A; Abstract, Paragraphs 0009, 0086, 0097-0098)
- **regarding claims 37, 45, 53 and further regarding claim 41**, processing unit transmits the generated printing data if agreement is determined by the determination unit, alerts if non-agreement is determined by the determination unit, transmits the generated printing data if print continuation is designated, and ends printing if non-continuation of printing is designated (Figure 5, 7, 15; Paragraphs 0091-0094, 0124-0125)
- **regarding claims 39, 47, 55**, the print setting includes a type of paper (Abstract, Paragraphs 0059-0060)

Sato does not disclose expressly the following:

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- **regarding claims 36, 41, 44, 49, 52, 57**, an acquisition unit for acquiring the print setting designated in previous print processing, which is stored in the storage unit; and a determining unit for determining whether or not the print setting of the previous print processing, which is acquired by the acquisition unit agrees with a print setting of the present print processing

Walker discloses:

- **regarding claims 36, 41, 44, 49, 52, 57**, an acquisition unit for acquiring the print setting designated in previous print processing, which is stored in the storage unit; and a determining unit for determining whether or not the print setting of the previous print processing, which is acquired by the acquisition unit agrees with a print setting of the present print processing (Figure 46; Column 47, Line 45 – Column 48, Line 35), for the purpose of generating optimal images on specific type of incoming media without requiring bothersome user intervention

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Walker into the device of Sato, for the purpose of generating optimal images on specific type of incoming media without requiring bothersome user intervention

Allowable Subject Matter

Claims 38, 46, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for the indication of allowable subject matter of claims 38, 46, and 54 is the inclusion of the limitation of wherein the acquisition unit acquires the print setting from the printer if a present user is different from a previous user, wherein the acquisition unit does not acquire the print setting from the printing if a present user is the same user as a previous user. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JSU

September 6, 2007



STEPHEN MEIER
SUPERVISORY PATENT EXAMINER